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4 MICHAEL LARUE BROWN,
5 Plaintiff,
6 v.
7 LIEUTENANT BASS, et al.,
8 Defendants.

9 Case No. [23-cv-04392-TLT](#)
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13 **ORDER OF DISMISSAL**
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15 Plaintiff, a state prisoner incarcerated at San Quentin Rehabilitation Center (SQRC), filed a
16 *pro se* civil rights action under 28 U.S.C. § 1983. ECF 10. He has filed a request to voluntarily
17 dismiss this case without prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A). ECF 20. Fed. R. Civ.
18 P. 41(a)(1) provides that a plaintiff may dismiss an action without a court order by filing a notice
19 of dismissal before the opposing party serves either an answer or a motion for summary judgment,
20 and that such dismissal is without prejudice. Fed. R. Civ. P. 41(a)(1). Defendants in this case
21 have filed a motion to dismiss. Fed. R. Civ. P. 41(a)(2) explains that where subpart (a)(1) does not
22 apply, “an action may be dismissed at the plaintiff’s request only by court order, on terms that the
23 court considers proper.” The Court therefore construes plaintiff’s request for voluntary dismissal
24 as pursuant to Fed. R. Civ. P. 41(a)(2), and the request is GRANTED. Defendants have not
25 pleaded any counterclaims that would make dismissal inappropriate. This action is DISMISSED
without prejudice. The Clerk shall terminate any pending motions, enter judgment against
plaintiff and in favor of defendants, and close the case.

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1 **IT IS SO ORDERED.**

2 Dated: May 21, 2024

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5 TRINA L. THOMPSON
6 United States District Judge

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United States District Court
Northern District of California